

Journal - Office of Legislative Counsel  
Wednesday - 4 February 1976

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8. (Unclassified - THW) HEARINGS I dropped by the office of Mike Van Dusen, on the staff of the Special Subcommittee on Investigations, House International Relations Committee, and reviewed the transcript of the hearing on the last days of the Vietnam War and Ambassador Graham Martin's testimony. (See Memorandum for the Record.)

9. (Unclassified - THW) LIAISON I dropped by the office of Dick White, Administrative Assistant to Representative Dale Milford (D., Texas) and discussed with him the pros and cons regarding publication in some form of the House Select Committee report.

10. (Unclassified - DFM) LEGISLATION Hilda Schreiber, OMB, called to verify changes in the proposed legislation to drop the one percent bonuses from CIARDs annual cost-of-living increases. Jim Oliver, also of OMB, had called last week with the changes.

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11. (Unclassified - DFM) LIAISON Paul Hoff, Counsel, Senate Government Operations Committee, called regarding the NBC news story that CIA internally had concluded that covert action is illegal, but for public consumption was stating that there are ample legal authorities. Hoff said Senator Abraham Ribicoff (D., Conn.) had heard the news item and asked him to inquire with the Agency. I dropped by his office later in the day and explained that the IC Staff had commissioned an outside attorney who, with the aid of three law students, had concluded that there is no authority for covert action. However, the Agency firmly rejected these conclusions and stood fully behind [redacted] statement to the House Select Committee on Intelligence on the issue of legality of covert action. I stressed that the Agency had not attempted to suppress the outside paper, but simply did not agree with its conclusions. Hoff asked for copies of both the outside legal paper and [redacted] statement.

12. (Unclassified - DFM) LEGISLATION Met with Ed Kenney, Senate Armed Services Committee staff, regarding the issue of Senate oversight of the CIA. Kenney had altered Senator Frank Church's (D., Idaho) bill, S. 2893, to meet Senator Strom Thurmond's (R., S. C.) concerns and had asked for our views on it. I did not discuss the issue of who should have oversight, but dwelled on issues such as annual authorization requirements, exclusivity of jurisdiction, rules against staff disclosure, release of information by the committee, transfer of Senate Select Committee documents, and Agency reporting requirements to the Congress. Kenney was most appreciative for the assistance.

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MEMORANDUM FOR THE RECORD

SUBJECT: Testimony of Ambassador Graham Martin

1. In follow-up to the DDO interest in Ambassador Martin's testimony, on 4 February I went to the staff office of the Subcommittee on Investigations and read the transcript of the public hearing. The only reference to anything which could be considered criticism of the Agency is found on pages 100-02. I have asked for copies of these pages and, hopefully, will have an answer shortly on the request. It is the practice of the Subcommittee not to release the transcript until the participants have had a chance to edit their remarks.

2. In pages 100-02 Chairman Hamilton posed the following: that it was his understanding that some people had indicated Ambassador Martin had received faulty intelligence during the last days of the Vietnam War. He said it was also his understanding that CIA had received a report [redacted]

[redacted] that the North Vietnamese had made the decision to push for total victory. Based upon that, Hamilton asked Martin if he felt he had received adequate intelligence evaluation during the last days. Martin replied that he had asked him two questions and that he would answer them individually. As to the first question, Martin said that he had received a report from the CIA to that effect but that the credibility of that report had been questioned by the COS. In fact, it was questioned so much that the COS did not forward the report to Washington until the case officer handling the penetration pushed Polgar into doing it. Martin then said that this could be verified by the Committee because the case officer was in the audience and his name was Frank Snep. Martin went on to say that he gave more credibility to the report than Polgar, mentioning Polgar by name.

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3. What the second question was is unknown as Martin never got around to answering it. Polgar was mentioned a couple of other times in the transcript but only in a good light. In particular, Martin stated that during the last days that Polgar was always available to him and saw him four or five times a day, every day.

4. I have passed this information to [redacted]  
[redacted] who brought it to the attention of [redacted]  
Chief of the Division. I assume that [redacted]  
and the DDO informed.

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5. Chairman Hamilton said at the close of the hearing that he would submit additional questions to the Department of State for inclusion in the record. We should probably attempt to determine if any of those questions would elicit adverse responses.



Assistant Legislative Counsel

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Distribution:

1 - OLC Subject      1 - C/EA Division/DDO  
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